

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RAFAEL VILLARREAL,

Plaintiff,

VS.

HERRERA, *et al*,

Defendants.

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CIVIL ACTION NO. C-07-321

**ORDER GRANTING MOTION TO DESIGNATE EXPERT WITNESS
OUT-OF-TIME**

Pending is defendant Herrera's motion to designate Dr. Dumas as an expert out-of-time (D.E. 28). The deadline was April 18, 2008. Plaintiff did not respond to defendant's motion. According to the Local Rules for the Southern District of Texas, failure to respond is taken as a representation that a party is not opposed to the granting of the relief requested. LR7.4. Dr. Dumas was designated as an expert on April 21, 2008, three days late. Plaintiff has not cited to any prejudice he suffered because of the three-day delay, and the court knows of none.

Accordingly, the motion (D.E. 28) is granted.

ORDERED this 14th day of May, 2008.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE